

DIFFERENCES WITH MOROCCO.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter from the Secretary of the Navy, concerning differences with Morocco.

DECEMBER 14, 1842.

Referred to the Committee on Foreign Affairs.

WASHINGTON CITY, December 13, 1842.

I hereby communicate to the House of Representatives a letter from the Secretary of the Navy, with accompanying documents.

JOHN TYLER.

NAVY DEPARTMENT, December 13, 1842.

SIR: On the 8th instant, and after my annual report was sent to you, I received the accompanying despatch from Commodore Morgan, commanding the United States naval forces in the Mediterranean. It shows that the information given by him to the Department, relative to the adjustment of our differences with Morocco, was not in all respects correct, although he certainly had good reason to consider it correct. As my report upon this point was founded on previous despatches from Commodore Morgan, it is due alike to him and to myself to communicate to you, and through you to Congress, the explanation which he offers. It will at the same time serve to show the actual condition of our relations with Morocco.

I am, respectfully, your obedient servant,

A. P. UPSHUR.

The PRESIDENT.

No. 40.]

UNITED STATES SHIP COLUMBUS,

Mahon, October 26, 1842.

I have the honor to forward to the Department an English translation of the Arabic letter from His Majesty the Emperor of Morocco, received by

the ship of the line Columbus, Captain W. A. Spencer, in reply to my letter of September 4, 1842, a copy of which was enclosed in my communication No. 35, (marked E.)

It is with regret that I have to correct the information given to the Department in my communication (No. 37) of the satisfactory adjustment of the difficulty with Morocco, and of His Majesty's confirmation of the stipulations proposed to and refused by his excellency the Bashaw of Tangier; but this letter from the Emperor will advise the Department of the error. It is rather extraordinary that such an error should have been made by the Bashaw in his official announcement to John Ehrenhoff, Esq., consul general for Sweden and Norway; but there is no question but that the communication mentioned in Mr. Ehrenhoff's letter to me was made, and that it was designed to deceive and mislead. A translation of Mr. Ehrenhoff's letter, just referred to, is herewith enclosed.

I also enclose the report of Lieutenant William F. Lynch, then in command of the Fairfield, who reports the Emperor's acquiescence to my demands.

It is evident that His Majesty was favorably inclined, and had intended to confirm and seal the proposed stipulations, as was reported; and it is more than probable that the failure of this intention was effected by the influence which the powerful and diplomatic Bashaw of Tangier exercises in His Majesty's counsel.

The letter of the Emperor, though to a great extent evasive, may be considered, from its amicable tone, as placing the difficulty in a favorable attitude for an easy, honorable, and satisfactory adjustment.

Of the contents of Mr. Carr's letter to His Majesty, stating that he had been *recalled by his Government, to be placed in another consulate*, I had no previous knowledge, nor the remotest suspicion, until it was forwarded to me by His Majesty, and received at this port; and I do feel that the allusion to it by His Majesty is a taunt and imputation, that I had deceived the Bashaw in my interview with him, when I assured that functionary that Mr. Carr was no longer in the employment of the Government; and, further, that it was meant to prove that, while the real delinquent, as His Majesty charges Mr. Carr to be, has been cherished and remunerated by the United States, I had unfairly demanded the punishment of the Lieutenant Governor of Tangier.

This was certainly a great impediment to prevent His Majesty from dismissing the Lieutenant Governor; nor will his dismissal take place until proper evidence be given of the discharge of Mr. Carr from the public service; at which time a satisfactory arrangement may be effected.

His Majesty, in proposing to refer to the decision of the different consuls at Tangier the question whether the first or greater fault is attributable to Mr. Carr or to the Lieutenant Governor, cannot but be aware of the impossibility of any interference by the consuls, without distinct orders from the respective Governments they represent. Besides, sufficient evidence of the opinions of the consuls, touching the consular privilege of departing from the empire of Morocco, without interruption or molestation, is developed in their protest accompanying Mr. Carr's report both to the Department of State and to myself; further than which, the consuls cannot and will not interfere; and no other persons to whom he refers, in the empire, dare express an opinion contrary to the known wish of the Emperor.

The Emperor states that the insult to Mr. Carr was not designed, but that

the soldier who arrested him did so through ignorance, and "under the belief that he did his duty." He further declares that the difficulty arose from Mr. Carr's neglect to demand of the Bashaw, who was then absent at Larache, permission to depart—a preliminary, it is asserted, that Mr. Carr ought to have observed.

His Majesty alludes to the ignorance of the individual who stopped Mr. Carr on the beach, as an assurance that no indignity was intended; yet it must be borne in mind that the person who violently seized and exhibited the consul in the degraded aspect of a criminal or fugitive was the captain of the port of Tangier.

It is obvious, from the tenor of the imperial reply, that, upon the arrival of Mr. Mullowny at Tangier, and the presentation of his credentials to the Emperor or Bashaw, his consular capacity will be immediately recognised, the United States flag hoisted upon the consular standard, and the affair thus terminate, as all further negotiation would be futile after the restoration of the consulate.

Such a consequence would be either a virtual admission that the United States never had a just claim for reparation, or was willing to submit, unresistingly, to indignity and outrage upon its representatives, or else was unable to resent affront. Either consideration would hold out inducement for future aggression and insult from the Moor—temptations seldom resisted.

The question then arises, whether the Hon. Secretary of State desires such a result, or whether, since the perfidy is on the part of the Moor, (although Mr. Carr may have unadvisedly caused its manifestation,) the demand for the dismissal of the Lieutenant Governor, whose punishment I have required throughout this whole transaction, as a necessary redress, will be insisted upon; first assuring the Emperor that Mr. Carr has been relieved from public service, and a condition made that, upon rehoisting the American flag upon the consular standard, it shall *first* be saluted by the imperial fortress at Tangier, or else the consulate be withdrawn.

In conclusion, I beg leave to refer to the Hon. Secretary the propriety of forwarding to the late consul (Mr. Carr) a copy, in English, of his note (enclosed in communication No. 39) to the Emperor of Morocco, adding, that the original thereof, in Arabic, under his official seal, has been transmitted to the Department by myself.

I have the honor to be, very respectfully, your obedient servant,

CHARLES W. MORGAN,

*Commander-in-chief of the United States
naval force in the Mediterranean.*

Hon. A. P. UPSHUR,
Secretary of the Navy.

[TRANSLATION OF A LETTER FROM HIS MAJESTY THE EMPEROR OF MOROCCO.]

"In the name of God, the clement and merciful; there is no power nor strength but in God, the most high and magnificent:"

To the agent attached to the service, Charles W. Morgan, commanding the ships of the United States of America:

We have received your letter, and we have entirely comprehended the contents. You show us your discontent at the long conferences that have

taken place between you and our dear Bonselham Ben Aly, relative to the incident that has occurred between his lieutenant at Tangier and your consul, who wished to depart. You have enlarged the affair, which, in itself, was small. You have embroiled it, though it was clear. It is, in effect, a simple thing, as such an event cannot convey any blow at the friendship existing between the two empires, nor occasion to it the least detriment. An incident occurring without intention causes discord between a man and his faithful friend, and the affair there remains. Then, in a similar case, these kind of things are arranged by the intermediacy of the governors and consuls, and it is not necessary that they should arrive at our presence, elevated by God, nor to the hands of your President, as there is not occasioned by it any serious detriment to peace and good harmony.

The committer of the fault should be punished, let him be on our side or on yours. The consul of the United States had remained in our empire during a long space of time, and several years, and nobody had done him any wrong; according to what he wrote to inform us of his departure, you can convince yourself by his letter, and have an idea of the manner in which he has been treated. All this has taken place for not having demanded the permission of the Pacha, on account of his absence at Larache. It was, however, proper that he should let him know of his departure. We would certainly have punished, in a most exemplary manner, the individual that arrested your consul, if we knew he had done it with the intention of insulting him; but he did not do it, but by his ignorance, and for want of understanding, and under the belief that he did his duty. Your consul, on the contrary, is much more culpable, having drawn the sword on him, and having wished to kill him. If the soldier deserves punishment, there is due a still greater to your consul. At any rate, we have written to our representative, ordering him to determine this affair and make it clear, with the aid of persons possessing the knowledge of the laws of nations. They are to be found at Tangier, and are the musselmen, the Christian consuls, and the *rayas*,* (hehl edummet.)

If they pronounce a judgment that attributes the fault to your consul, you will punish him according to your laws; and if the culprit be the *lieutenant* of Tangier, he will receive the punishment which he deserves. As to the five articles that you yourself set forth, and that you wished to have ratified, this is not necessary. In effect, we have explained the first; for the second, hearing that the consuls of the United States, and others employed, should be free in our States, well guarded by God, without any body being able to molest them, or do them any violence, know that the consuls of your nation are absolutely on the same footing as all the consuls and others employed; that they are all under our imperial protection and safeguarded by our power. The third article expresses that, at the rehoisting your flag in its primitive place, the first salute shall be fired by our imperial fort, and the ships of the United States shall answer. If the fault be with the lieutenant, it shall be so; but if the fault proceeds from your consul, the first salute shall be from your vessels, and the cannon of Tangier will reply. For the fourth article, by which you tell us that you desire the continuation and observation of the treaty concluded between my elevated court and your nation, know that it is always observed; that it has not experienced any detriment to make it necessary that it should be renewed, as it

*This is the name given to tributaries, and particularly to the Jews.

is in its ancient and primitive state. For the fifth article, which sets forth that it is indispensable that all you have set forth and written in the Arabic and English languages be recognised, know that the whole has arrived to us; we give you the proof by this letter, which answers to all your demands, and which suffices for all. Written the 9th of Chaaban, of the year 1258, (answering to the 4th of September, 1842.)

[Translation from the French.]

TANGIER, September 14, 1842.

SIR: Although the courier sent to Mequnez with your despatches has not returned, I hasten to apprise you that his excellency the Bashaw has just informed me by a communication that, from orders received of the Sultan, he has dismissed from office the vice governor of Tangier, [Sidi Houli Mahomed, Midjbood;] and thus, as the most important of your conditions has been fulfilled, I can see nothing to prevent your prompt return, finally to adjust the difficulty between the United States and Morocco.

I am, sir, with the highest consideration, your obedient servant,
J. EHRENHOFF.

Commodore CHARLES W. MORGAN,
*Commander-in-chief of the United States
naval force in the Mediterranean.*

UNITED STATES SHIP FAIRFIELD,
Off Gibraltar, September 18, 1842.

SIR: In obedience to your order, I left Tangier on the 5th instant, with this ship, and reached Cadiz in five and a half hours. In the last place we were quarantined four days.

Our consul (Mr. Burton) reported every thing tranquil, and that the amount of American tonnage was reduced in proportion to the very depressed state of trade.

I have procured an abstract of the number of American vessels, their tonnage and cargoes, which have entered and cleared at the port of Cadiz during the last twelve months. This abstract I will lay before you on our arrival at Mahon.

The day before yesterday we made two unsuccessful attempts to sail from Cadiz. Yesterday, on the third attempt, we succeeded, and reached Tangier at 11, P. M., yesterday.

The Emperor of Morocco, much to the chagrin of the Bashaw, has fully acceded to your conditions, and the Swedish consul general has been officially apprized of the removal of the Lieutenant Governor.

Permit me to congratulate you on this result of a negotiation, alike satisfactory to our country and creditable to yourself.

We are now standing into Gibraltar bay, for the purpose of communicating, as directed by you. Without one moment's unnecessary delay, we will fill away for Mahon with the despatches.

I am, very respectfully, sir, your obedient servant,

W. F. LYNCH,
Lieutenant Commanding.

